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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Buckner

Application No./Patent No. \_\_\_\_\_ Filed/Issue Date. \_\_\_\_\_

Entitled: Method and Apparatus for the Surgical Treatment of Congestive Heart Failure

Genesee BioMedical, Inc. \_\_\_\_\_ a \_\_\_\_\_ Corporation  
(Name of Assignee) \_\_\_\_\_ (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

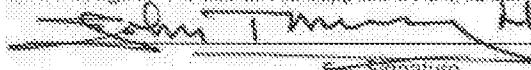
A  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B  A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as shown below:1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached.2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached.3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



10/4/06

Date:

John T. M. Wright

13031777-3000

Printed or Typed Name

Telephone Number

CEO, VP Research &amp; Development

TBSB

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to be had by the USPTO to process an application. Confidentiality is protected by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 42 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## ASSIGNMENT

WHEREAS, the undersigned inventor(s) (referred to, collectively, if more than one, as "Assignor") have made an invention entitled **Method and Apparatus for the Surgical Treatment of Congestive Heart Failure** for which an application for United States Letters Patent was filed on **October 4, 2006** as Application Serial No. **.....**, and

WHEREAS, Genesee BioMedical, Inc., a Colorado corporation ("Assignee") having a place of business at 1308 South Jason Street, Denver, Colorado 80223-3408, desires to acquire all right, title and interest in and to the above identified invention and application;

NOW, THEREFORE, Assignor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby sell, assign, convey and transfer unto Assignee all right, title and interest in and to the above identified invention and application, together with all corresponding foreign applications and patents which may be filed thereon, including the right to claim priority from the above identified United States application; and Assignor hereby agrees that Assignor will sign all lawful papers, including, without limitation, all divisional, continuation, renewal, extension and reissue applications, and make all rightful oaths in execution thereof, and will generally do everything possible to aid Assignee, its successors, assigns and nominees to obtain and enforce proper protection for the invention in all countries, this obligation to be binding upon Assignor (each and severally, if more than one) and upon Assignor's personal representative or other legal successor.

IN TESTIMONY WHEREOF, the undersigned Assignor (and each of them, if more than one) has signed below:

Date: 4 October 2006

J. Kern Buckner

2482 W. Drycreek Court  
Littleton, CO 80120

STATE OF Colorado

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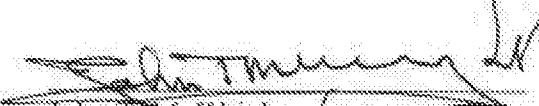
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of October, 2006,  
by J. Kern Buckner.

Witness my hand and official seal.  
My commission expires:



Date: 10/4/06

  
John T. M. Wright

1308 South Jason Street

Denver, Colorado 80223-3408

Address:

STATE OF Colorado

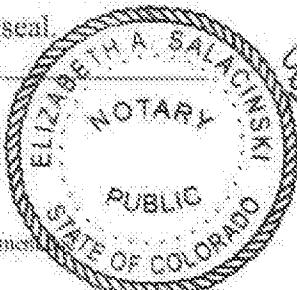
COUNTY OF Douglas

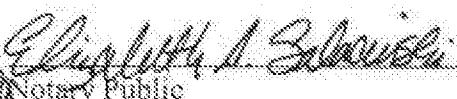
ss:

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of October, 2006,  
by John T. M. Wright.

Witness my hand and official seal.

My commission expires:



  
John T. M. Wright  
Notary Public

See Seal Fobers Genesee #2 PCTUS Assignment